

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RONALD S. JOHNSON,

Petitioner,

v.

Civil Action No. 2:06cv43

JOYCE FRANCIS, Warden,

Respondent.

ORDER

It will be recalled that on July 24, 2006, Magistrate Judge Kaull filed his Report and Recommendation, wherein the Petitioner was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. No objections have been filed.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Petitioner in his Motion For Default Judgment, Motion for Judgment of Default and Motion to Strike Default Judgment were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole and that Petitioner's motions be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Petitioner's Motion for Default Judgment (docket #8) be, and the same hereby is, **DENIED**. It is further

ORDERED that the Petitioner's Motion for Judgment of Default (docket #10) be, and the same hereby is **DENIED**. It is further

ORDERED that the Petitioner's Motion to Strike Default Judgment (Docket #12) be, and the same hereby is, **DENIED**.

The Clerk is directed to transmit copies of this Order to counsel of record and to the pro se Petitioner.

ENTER: March 12, 2007


United States District Judge